

CARTER MUST
BE TRIED AGAIN.Still Another Jury Failed
to Agree.

SIX FOR ACQUITTAL.

While Five Were in Favor of Inflicting
the Death Penalty.

ONE FOR THE PENITENTIARY

Four Ballots Were Taken by the Jury
The Case to Be Retried at the
November Term of the Comm.
ty Court—Comments of
Some of the Jurors
Yesterday.

The jury which has devoted the past ten days to hearing the evidence adduced in the trial of James Edward Carter, charged with the murder of Charles F. Moore, announced at 12 o'clock yesterday that it was unable to agree, and was discharged.

Immediately thereafter Commonwealth's Attorney Sands announced to the Court that counsel on either side had agreed on the first Monday in next month as the time for the third trial of the case. It is not likely that it will be taken up on that day, but the chances are that it will surely be disposed of some time during the January term. It is the consensus of opinion that the next jury will come from some other section of the country, as it seems evident that twelve residents of the county in which the homicide occurred will never be able to agree after the wide publicity which has been given to every detail in the case.

LONG CONSIDERATION.

The jury was out considering the case from 12:45 o'clock Thursday afternoon until noon yesterday, when they asked to be brought into court and the foreman, Mr. B. F. Reinde, stated to Judge Wickham that they had reached no decision and he could see no probability of their ever agreeing. In discharging them, the Court said:

"I am extremely sorry for many reasons that you have not been able to reach a decision. I realize, however, that you gentlemen are entitled to your convictions, and that it would be wrong to me attempt to force you to a verdict. You are discharged."

The case was carefully and impartially weighed by the jury, as was shown by all of their actions, and they were genuinely anxious to reach some unanimous decision. It was placed in their hands, as stated, at 12:45 o'clock yesterday, and one ballot was taken soon after, the result being as follows:

SIX FOR ACQUITTAL.

For acquittal—Messrs. B. F. Reinde, William H. Turner, W. S. Brockwell, John Colhart, R. R. Childers and Thomas Bennett—6.

For hanging—Messrs. Charles Lenhauer, H. G. Wakefield, Arthur Cornwall, R. F. Fussell and Frank Yalley—5.

For imprisonment—Mr. John J. Canfield.

The matter was then earnestly discussed, but no further ballots were taken until the jury was shut in its room at the court-house yesterday morning. Then the balloting began again, the first taken resulting as above recorded. Soon afterwards another was taken, and the result was as follows:

For imprisonment—Messrs. Canfield, Wakefield, Fussell, Yalley, Turner, Brockwell, Reinde, Childers, and Bennett—8.

For hanging—Messrs. Lenhauer and Cornwall—2.

A FIRM STAND.

On the third and last ballot the jury went back to its original stand for acquittal, five for conviction and one for imprisonment. It then became apparent that there was no possibility of an agreement.

There was only a fair-sized crowd present when the jury came out to court yesterday morning. The twelve were brought in, and the indictment was given to Foreman B. F. Reinde, after which the jury again retired to its room, and the spectators waited patiently for the result.

The prisoner sat calmly surrounded by his family. His nervousness seemed to have disappeared, and he awaited the verdict serenely. He had been informed that they desired to communicate with the Judge, and in a few minutes they were brought into Court.

UNABLE TO AGREE.

Foreman Reinde, being questioned by Judge Wickham, stated that they had been unable to agree, and that in all probability they never would. The Judge then dismissed them in the words quoted above.

As the jurors were getting ready to go to their homes, they talked freely about the case, and said that they extremely regretted not having been able to reach a verdict, and had done everything possible looking to that end.

"I could see nothing in it but murder in the second degree," said Mr. Canfield. "To my mind neither lying in wait nor malice was proven. I did not decide how many years in the penitentiary he should be given."

Mr. Colhart was for acquittal all through, not thinking that the evidence produced by the Commonwealth disproved that of the prisoner and his daughter. Messrs. Cornwall and Lenhauer were determined as to the prisoner's guilt and murder in the first degree, and it is said that but for their firm stand some compromise verdict might be reached.

RELIEVED—NOT SATISFIED.

The result is not satisfactory to Carter.

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DISAGREES WITH
THE GOVERNOR.The Claim Was Presented
in Name of the State.

LETTERS ARE QUOTED

By Comptroller Tracewell in Support
of His Contention.

AUDITOR CERTIFIED ACCOUNT

And the Payments Made Were on the
Governor's Warrant—The Governor
Requests in His Letters the
"Amount Due the State of
Virginia"—Sec'y. Boutwell's Statement.

WASHINGTON, December 24.—Special Comptroller of the Treasury Tracewell has replied to the letter of Governor Tyler of December 21st, relating to the withholding of payment of the amount due the State in settlement of the claim for reimbursement for expenditures for clothing, for account of the indebtedness of the State to the government.

The Comptroller quotes Governor Tyler's letter, in which he said that the position of the Comptroller was untenable because of the peculiar nature of the case under consideration. He rectified at some length the reasons for the purchase; that promised supplies were not on hand when the troops were mobilized in Richmond. The needs of the soldiers finally became so great and the necessity for prompt action so urgent that the President requested him to see that the wants of the men were attended to and that he would see that the bills were paid. The Governor then says that no need became so urgent as to admit of no further delay he instructed a member of his staff to ascertain the amount of supplies needed and purchase the same in open market in Richmond. A few days later the bills were received and the purchases made by the Governor's order. The accounts were made out against the government of the United States and the merchants expected to get their money from the United States, although, of course, they held the Governor responsible. The United States government would not pay the accounts to individuals, and required that they should be paid by the Governor and receipted for, these receipts to be the government's vouchers.

FROM CONTINGENT FUND.

"Out of a very limited private contingent fund placed in my hands to meet incidental expenses, I paid these accounts," says the Governor.

In a concluding paragraph Governor Tyler protested against converting a private claim into a public one.

In support of his contention that the money was paid from public funds and thus became a debt of the government to the State of Virginia, the Comptroller quotes the receipts which specify that payment was made by "Governor's warrant," and quotes a letter transmitting the account, under date of July 26, 1898, in which the Governor says: "I have the honor to forward herewith an account for \$2,925.81 in favor of the State of Virginia against the United States."

Another letter from the Governor to the Auditor for the War Department, dated October 10th, is quoted, in which the Governor said:

NOT AVAILABLE.

"The embarrassment to me, as I have explained, is that there is no fund available in this State out of which such bills can be paid, and I have been obliged, because you require receipted bills, to divert another fund to pay them."

On these statements the Comptroller bases his assertion that "the supplies were purchased and furnished by the State, paid for with the funds of the State and that reimbursement of the State was requested." He says:

"The account was also rendered in the name of the State, and so certified by the Auditor."

The Governor called attention to money loaned by the State of Virginia to the government in the war of 1812, and says:

"These loans have been repeatedly recognized by each branch of Congress at different times, and Mr. Boutwell, ex-Secretary of the Treasury, is on record as stating that in a fair and equitable settlement of accounts between Virginia and the United States government that the latter would be indebted to the former to the extent of at least one million dollars."

MR. BOUTWELL'S STATEMENT.

The Comptroller briefly states the history of that claim, which, by a coincidence, appears in this issue of The Times in another column with more detail. He says he has made a careful search for the statement which the Governor refers to as having been made by Secretary Boutwell, but up to the present time it has not been found. He is under the impression, however, that any statement of that nature was founded upon hypothetical conditions.

"It thus appears that under existing laws there is no indebtedness from the United States to the State of Virginia on account of expenditures made by the State in the war of 1812."

FOR A FIREMAN.

The Civil Service Commission desires to establish an eligible register from which a selection may be made to fill an

(Continued on Second Page.)

PEACE TREATY
IN WASHINGTON.The Document Delivered
to the President.

NOT YET MADE PUBLIC

The Usual Courtesy Requires That It
Be Read to the Senate First.

HANDLED WITH WATCHFUL CARE

Secretary Moore Never Let the Leath-
er Case Out of His Hands Until the
President Was Ready to Re-
ceive It—Will Remain in
Custody of the State
Department.

WASHINGTON, December 24.—President McKinley received from the American Peace Commission last afternoon the treaty of peace between the United States and Spain. In presenting this momentous document, Judge Day, as chairman of the commission, said it represented the earnest efforts of the American representatives at Paris and that it was submitted with the hope that it would redound to the peace, credit and glory of the American nation.

Accepting the treaty from the hands of Judge Day, the President, surrounded with heartfelt thanks and congratulations to the commission as a body and to the members individually, he spoke of all that had been accomplished and of the happy method by which difficult questions had been adjusted.

The formal ceremony of delivering the treaty to the President occurred in the Blue Room and lasted half an hour. The commission arrived here from New York on a special train at 4:20 P. M. A great crowd of holiday excursionists filled the railroad station, and in order to avoid the jam the special was run on a side track, where the officials had an opportunity to leave the train before it entered the depot.

CORDIALLY GREETED.

Chief Clerk Michaels, of the State Department, was on hand as the representative of Secretary Hay, and quite a number of officials from the State, War and Navy Departments as well as friends and relatives were there to greet them. As they stepped from the train there was general handshaking and congratulations, and then they were escorted to carriages and driven directly to the White House.

It was noticed that as Judge Day and his associates came from the train they were unaccompanied with any sort of luggage or documents. But Hon. John R. Moore, late Assistant Secretary of State and legal adviser of the commission, carried with him a huge yellow leather case. This case never left Mr. Moore's hands, for in it was the peace treaty which the commission was bearing to the President.

TO THE WHITE HOUSE FIRST.

Four of the commissioners—Ray, Reid, Davis, and Frye—took the first carriage to the White House, and soon thereafter Senator Gray, the remaining member of the commission, with Mr. Moore and his wife, and a number of friends, proceeded to the White House, and joined the commissioners as they went before the President.

Secretary Hay was with the President when the party arrived at the White House. The first greeting was quite informal, the President coming to the private vestibule which leads to the several drawing rooms. Judge Day was the first to grasp the President's hand, and then followed personal greetings. The President remarked on the vigorous health of the members. In the meantime Mr. Moore and his wife had arrived at the outer corridor. Before going inside Mr. Moore opened the case and from it took the treaty in a Morocco binding about the size of a large encyclopedia. All the members of the commission being now assembled, the President led the way to the Blue Room. Besides the President, Secretary Hay, and the commissioners there were present Arthur W. Ferguson, who, as official host, had been through the arduous labors of the commission when the American and Spanish representatives were together; also, Messrs. Hay and Gray, sons of the Secretary and Senator, respectively, and several ladies of the party.

DELIVERED BY JUDGE DAY.

The President stood at the further end of the room while the party ranged around him. Taking the treaty, Judge Day addressed the President in the manner already alluded to. His remarks were quite informal and impromptu, brief, decided and to the point, assuring the President of the satisfaction the commission felt, that its labors were ended in such a way as to give promise of the welfare of the country. After the President's response, some time was spent in informal discussion of the treaty, and then all of the commissioners except Mr. Reid, who had been through the arduous labors of the commission when the American and Spanish representatives were together; also, Messrs. Hay and Gray, sons of the Secretary and Senator, respectively, and several ladies of the party.

NOT PUBLIC YET.

It was stated after the delivery of the treaty to the President that it would not be made public at present, the usual courtesy to the Senate requiring that it should be submitted to that body before being made public. In the meantime it will remain in the custody of the State Department for safe-keeping, although copies of it will be in the hands of the President for such consideration as may be needed.

It is the impression that with the submission of the treaty to the President the official existence of that body will have terminated. Should there be occasion which is scarcely conceivable, for further negotiations of any of the subjects touched by the treaty, it is said that this will either be done by direct negotiation with the Madrid government or through an entirely new commission.

It is said that the treaty will be submitted to the United States Senate almost immediately after the re-assembling of Congress.

SYNOPSIS OF THE TREATY.

Following is a synopsis of the treaty, which is generally accepted as authentic: Article I renounces Spain's sovereignty over Cuba.

Article II cedes Porto Rico, Guam and the Ladrones to the United States.

Article III cedes the Philippines, the United States to pay \$20,000,000 in three months after the ratification of the treaty,



A CHRISTMAS SCENE ON BROAD STREET.

CHRISTMAS EVE
IN FULL BLAST.A Deafening Roar on Broad Street
Last Night.

A GREAT CHAOTIC THRONG.

Men, Women and Children Mingle
With Pop-Crackers, Tin Horns,
Jags and Dinner Bells—It Was
a Scene to Be Remembered.

Last night was one long to be remembered on Broad street. The entire procession had Christmas in their bones. It was one long, chaotic and heterogeneous conglomeration of humanity. At one time it looked as if everybody in Richmond was in the "push," for push it was.

The dense crowd commenced to fill the thoroughfare about 5 o'clock in the afternoon. Of course the street was practically full of people during the entire day, but the noise-producing multitude, did not get down to business until late in the afternoon.

Larger and larger grew the procession until about 6:30 o'clock when there were perhaps 20,000 people pushing up and down the south side of the street. The noise was steadily increased until 8 o'clock when the crowd was made up.

A GRAND MIXTURE.

There were men, women and children of all ages, colors, styles and dispositions. There were representative business men, quiet, sober citizens of the old school, elderly ladies with their arms full of packages, young men out for a lark, pink-checked madams with the flush of the Christmas season all over their faces, small boys with any amount of pop-crackers and fire works in their overcoat pockets, little girls with Christmas in their bones, sober people and drunken people, poor people who carry the spirit of looking on in the general shuffle, tin horns, dinner bells, cow bells, screamers, baby-wakers, whiskey-flasks, canes, pickpockets, jags, silk-bags, torpedoes and every imaginable form of existence, animated and otherwise. It was a huge pot-pourri of degenerated Christmas celebration.

GO AS YOU PLEASE WALK.

It was indescribable. Everything seemed to go, and nobody appeared to be disposed to raise any objection to whatever was done. Everybody was in good cheer. Some had reasons to be and some didn't; but the great throng moved up and down Broad street in the midst of it all. The chatter of a thousand tongues, the yells and screams of a thousand throats, the horse-laughs and merry sardonic, the roar of cannon crackers, and the deafening blasts from small horns, medium-sized horns, and huge horns, the scraping sounds from a hundred ingenious devices to produce noise, the sizzling of pyrotechnics built on a humorous principle—all mingled together in a grand combination of Christmas "do-as-you-please" and all enjoyed it.

Formality and conventionality were both thrown to the winds. Men took the women's arms, and blew their horns in other women's faces. Everybody "jollied" everybody else, and nobody waited for an introduction. Now and then a young man to a girl whom he "didn't know from his side of sole leather," and she didn't turn up her nose with indignation, but laughed and screamed: "Same to you."

LATE SHOPPERS.

Amid all this deafening roar of tin horns varying in length from three inches to twelve feet, colossal pop-crackers, bells and fire works, late shoppers did some buying and the stores closed out much of their Christmas stock at greatly reduced prices.

The shoppers were busy all day yesterday, and thousands of people who did not have an opportunity to do their Christmas shopping during the week by re-

A NOBLE WORK
IN A QUIET WAY.St. Andrew's Kindergarten and Train-
ing School.

BOTH DAY AND NIGHT CLASSES.

The Institution is Accomplishing Much
Good and is Highly Commended by
Those Who Have Children Under
Its Care.

An institution which is doing a vast amount of good work, but which has been moving along so quietly that comparatively few people in Richmond know of its existence, is the St. Andrew's Parish Kindergarten and Training School, at the corner of Beverly and Cherry streets.

The new buildings which have only recently been completed, are comfortable and commodious structures, and quite attractive in appearance. There are several of them. The buildings are arranged with an eye to convenience as well as external appearance, and are complete in their plan and structure.

AN ASSEMBLY HALL.

The building next to St. Andrew's church, and facing Beverly street, is used principally for an assembly hall, where most of the entertainments and gatherings are held. Next to it is a comfortable two-story house, where the teachers live, and there is also a house for the scholars and another building used for school purposes.

There are six teachers employed in this good work. Both day and night classes are held. Besides the kindergarten there is a day nursery, where children of working people are taken care of and taught while their parents are at work.

There are night classes, and classes for instruction in technical drawing. The night classes are provided largely for working girls and boys, who are employed during the day.

A GOOD WORK.

The institution is doing much good in its quiet way, and is highly commended by those who have children under its care. It is a purely beneficial institution, and the many children who attend it, largely through the generosity and energy of Miss Grace Arents, it was established and kept up.

LAFAYETTE MEMORIAL.

Daughters of the Revolution to Make
It a National Memorial.

WASHINGTON, Dec. 24.—The Lafayette Memorial Commission has assured the National Society of the Daughters of the American Revolution that it will receive full recognition in the work to make the proposed Lafayette monument a worthy testimonial of the nation's gratitude, and that one of the four tablets on the monument will be reserved for the society, to be appropriately inscribed. The National Board of Management, therefore, cordially recommends that each member of the society show her appreciation of this honor by interesting all persons in her locality to contribute, according to their means, to this enterprise. It has also asked the Society of the Children of the American Revolution, through its president-general, to co-operate in the undertaking. All contributions should be sent to Mrs. Robert S. Hatcher, chairman of the Franco-American Memorial Commission, Room 52, No. 92 F street, Washington, D. C.

To Have Good Water.

PHILADELPHIA, Dec. 24.—Judge Seiberger and Pennypacker today dismissed the bill in equity brought by Messrs. Barr and Yocum to restrain the issue of the new loan of \$1,200,000 to be devoted to city improvements, including nearly \$500,000 for a better water supply and \$1,000,000 for the public library.

A Very Quiet Affair.

SCOTTSBURG, IND., Dec. 24.—Marion Tyler was very quietly lynched here today for attempting to kill his wife several weeks ago. This is the first hanging in the history of Scott county, either lawful or by lynch.

WEATHER FORECAST.
Forecast for Sunday:
Virginia—Generally fair; colder; light westerly winds.
North and South Carolina—Fair, except threatening weather in southeast portions; light northwesterly winds.



ST. ANDREWS KINDERGARTEN AND TRAINING SCHOOL.